

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION

6 KAMLESH BANGA,
7 Plaintiff,
8 vs.
9 FIRST USA, NA & CHASE
10 NA and DOES 1 through 10
Defendants.

Case No: C 10-0975 SBA

ORDER

Docket 123, 124

9 FIRST USA, NA & CHASE BANK USA,
10 NA and DOES 1 through 10 inclusive,
Defendants.

12 On May 28, 2013, Plaintiff filed a third amended complaint ("TAC"). Dkt. 120. On
13 June 24, 2013, Plaintiff filed a motion to compel Defendants to answer the TAC or, in the
14 alternative, motion for entry of default. Dkt. 123. On June 25, 2013, Defendant Chase
15 Bank USA, N.A. ("Defendant") filed a motion to strike the TAC. Dkt. 124.

16 Rule 15 of the Federal Rules of Civil Procedure provides that in all cases where, as
17 here, a party does not have the right to amend as a matter of course, "a party may amend its
18 pleading only with the opposing party's written consent or the court's leave." Fed.R.Civ.P.
19 15(a)(2). Accordingly, because Plaintiff did not receive Defendant's written consent or the
20 Court's leave to amend her pleading, the Court STRIKES the TAC from the record. See
21 Ready Transp., Inc. v. AAR Mfg., Inc., 627 F.3d 402, 404-405 (9th Cir. 2010) (courts have
22 the inherent authority to strike improper documents); see also Centillium Comms., Inc. v.
23 Atlantic Mut. Ins. Co., 2008 WL 728639, at *6 (N.D. Cal. 2008) (striking improperly filed
24 motion). This Order terminates Docket 123 and Docket 124.

IT IS SO ORDERED

Dated: 6/28/13

Saundra B. Armstrong
SAUNDRA BROWN ARMSTRONG
United States District Judge

1 UNITED STATES DISTRICT COURT
2 FOR THE
3 NORTHERN DISTRICT OF CALIFORNIA

4 BANGA et al,

5 Plaintiff,

6 v.

7 FIRST USA, N.A. ET AL et al,

8 Defendant.

9 _____ /
10 Case Number: CV10-00975 SBA
11
12 **CERTIFICATE OF SERVICE**
13
14 I, the undersigned, hereby certify that I am an employee in the Office of the Clerk, U.S. District
15 Court, Northern District of California.
16 That on June 28, 2013, I SERVED a true and correct copy(ies) of the attached, by placing said
17 copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by depositing
18 said envelope in the U.S. Mail, or by placing said copy(ies) into an inter-office delivery receptacle
19 located in the Clerk's office.
20
21 Kamlesh Banga
22 P.O. Box 5656
23 Vallejo, CA 94591
24 Dated: June 28, 2013
25 Richard W. Wiking, Clerk
26
27 By: Lisa Clark, Deputy Clerk
28